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PTO/SB/97 (08-03)

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November 5, 2004

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William D. McSpadden, Reg. No. 44,234

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For: Application Serial No. 10/633,088

- 1) Amendment and Response to Office Action;
- 2) Fee Transmittal Form;
- 3) Petition for Extension of Time to File;
- 4) Facsimile transmission cover sheet;
- 5) Declaration under 37CFR 1.132 to Establish Commercial Success; and
- 6) Exhibit A.

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (10-04v2)

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**FEE TRANSMITTAL  
for FY 2005**

Effective 10/01/2004. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT (\$)** 55.00**Complete If Known**

|                      |              |
|----------------------|--------------|
| Application Number   | 10/633,088   |
| Filing Date          | 8/1/2003     |
| First Named Inventor | Garza et al. |
| Examiner Name        | Huynh        |
| Art Unit             | 3751         |
| Attorney Docket No.  | 35165552.13  |

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit Account Number  
13-0480Deposit Account Name  
Baker & McKenzie LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description        | Fee Paid |
|----------------------------|----------------------------|------------------------|----------|
| 1001 790                   | 2001 395                   | Utility filing fee     |          |
| 1002 350                   | 2002 175                   | Design filing fee      |          |
| 1003 550                   | 2003 275                   | Plant filing fee       |          |
| 1004 790                   | 2004 395                   | Reissue filing fee     |          |
| 1005 160                   | 2005 80                    | Provisional filing fee |          |

**SUBTOTAL (1) (\$)****2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

| Total Claims       | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| Independent Claims | -20** =      | X              |          |
| Multiple Dependent | -3** =       | X              |          |

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description  | Fee Paid |
|----------------------------|----------------------------|--|----------|
| 1202 18                    | 2202 9                     | Claims in excess of 20                                     |          |
| 1201 88                    | 2201 44                    | Independent claims in excess of 3                          |          |
| 1203 300                   | 2203 150                   | Multiple dependent claim, if not paid                      |          |
| 1204 88                    | 2204 44                    | ** Reissue independent claims over original patent         |          |
| 1205 18                    | 2205 9                     | ** Reissue claims in excess of 20 and over original patent |          |

**SUBTOTAL (2) (\$)**

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description  | Fee Paid |
|----------------------------|----------------------------|--|----------|
| 1051 130                   | 2051 65                    | Surcharge - late filing fee or oath  |          |
| 1052 50                    | 2052 25                    | Surcharge - late provisional filing fee or cover sheet                     |          |
| 1053 130                   | 1053 130                   | Non-English specification  |          |
| 1812 2,520                 | 1812 2,520                 | For filing a request for ex parte reexamination                            |          |
| 1804 920*                  | 1804 920*                  | Requesting publication of SIR prior to Examiner action                     |          |
| 1805 1,840*                | 1805 1,840*                | Requesting publication of SIR after Examiner action                        |          |
| 1251 110                   | 2251 55                    | Extension for reply within first month                                     | 55.00    |
| 1252 430                   | 2252 215                   | Extension for reply within second month                                    |          |
| 1253 980                   | 2253 490                   | Extension for reply within third month                                     |          |
| 1254 1,530                 | 2254 765                   | Extension for reply within fourth month                                    |          |
| 1255 2,080                 | 2255 1,040                 | Extension for reply within fifth month                                     |          |
| 1401 340                   | 2401 170                   | Notice of Appeal   |          |
| 1402 340                   | 2402 170                   | Filing a brief in support of an appeal                                     |          |
| 1403 300                   | 2403 150                   | Request for oral hearing   |          |
| 1451 1,510                 | 1451 1,510                 | Petition to institute a public use proceeding                              |          |
| 1452 110                   | 2452 55                    | Petition to revive - unavoidable   |          |
| 1453 1,370                 | 2453 685                   | Petition to revive - unintentional   |          |
| 1501 1,370                 | 2501 685                   | Utility issue fee (or reissue)   |          |
| 1502 490                   | 2502 245                   | Design issue fee   |          |
| 1503 680                   | 2503 330                   | Plant issue fee  |          |
| 1480 130                   | 1480 130                   | Petitions to the Commissioner  |          |
| 1807 50                    | 1807 50                    | Processing fee under 37 CFR 1.17(q)  |          |
| 1808 180                   | 1808 180                   | Submission of Information Disclosure Stmt                                  |          |
| 8021 40                    | 8021 40                    | Recording each patent assignment per property (times number of properties) |          |
| 1809 790                   | 2809 395                   | Filing a submission after final rejection (37 CFR 1.129(a))                |          |
| 1810 790                   | 2810 395                   | For each additional invention to be examined (37 CFR 1.129(b))             |          |
| 1801 790                   | 2801 395                   | Request for Continued Examination (RCE)                                    |          |
| 1802 900                   | 1802 900                   | Request for expedited examination of a design application                  |          |

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3) (\$)** 55.00**SUBMITTED BY**

|                   |                             |                                   |           |           |              |
|-------------------|-----------------------------|-----------------------------------|-----------|-----------|--------------|
| Name (Print/Type) | William D. McSpadden        | Registration No. (Attorney/Agent) | 44,234    | Telephone | 214-978-3040 |
| Signature         | <i>William D. McSpadden</i> | Date                              | 11/5/2004 |           |              |

(Complete if applicable)

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicant(s):** Garza et al.  
**Serial No.:** 10/633,088  
**Filed:** August 1, 2003  
**Title:** TOILET FOR OBESE PERSONS  
**Group Art No.** 3751  
**Examiner:** Khoa D. Huynh  
**Atty. Docket No.:** 35165552.13

**Mail Stop Amendment  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

**AMENDMENT AND RESPONSE TO OFFICE ACTION**

Applicant submits this Amendment and Response to Office Action in response to the Office Action dated June 9, 2004. Applicant submits that the following amendments and arguments are sufficient to place this application in condition for allowance.

**Amendments to the Claims** are reflected in the listing of the claims, which begins on page 2 of this filing.

**Remarks/Arguments** begin on page 8 of this filing.